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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,121	11/16/2000	Lorenzo Di Camillo	B-4006PCT 61	3910

7590

07/06/2005

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EXAMINER

BROWN, MICHAEL A

ART UNIT PAPER NUMBER

3764

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/647,121

Applicant(s)

DI CAMILLO, LORENZO

Examiner

Michael Brown

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 5, 8, 10-16 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated

by NL '675 (Hendricus).

Hendricus discloses in figures 1-6 a device for facilitated insertion of the male member into a condom, comprising a hollow element 1, provided with an access opening (the opened end in figure 2), means 5 for fastening the brim of the condom to the access opening, means 6 for creating a depression inside of the hollow element, a bearing element (fig. 3), at the top of the hollow element), the means for creating depression is a suction duct 6, a protective sheath 21 that is removable and the bearing element is adjustable (fig. 3).

Hendricus discloses in figures 1-6 a device for facilitated insertion of the male member into a condom comprising a hollow element 1, having an access opening (the large open end of 1, a fastening ring (the ring below 5 in fig. 4), a suction duct 6, a support element (the adjustable member located at the top of 1, fig. 3), the fastening ring is located proximal to the access aperture (fig. 3), the suction duct is located distal the access aperture (fig. 3). The ring is separable and disposable from the hollow member. Hendricus also discloses the method steps recited in claims 10-13.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricus in view of Kuyumciyan '998, along with Gerow.

Hendricus discloses in figures 1-8 a device for facilitated insertion of a male member into a condom, substantially as claimed. However, Hendricus doesn't disclose the suction duct having flexible walls, a means for avoiding contact between the inner walls of the hollow element and the end of the condom or a means for reestablishing pressure. Kuyumciyan teaches in figures 1-7 a device for facilitated insertion of a male member into a condom comprising a suction duct 9, a means 45 for avoiding contact between the inner wall of the hollow member 11 and the end of the condom and a means 15 for reestablishing pressure. Gerow teaches in figure 13 a duct 26 that has flexible walls. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the walls of the duct as taught by Kuyumciyan could be flexible as taught by Gerow in order to be able to twist, bend or move the suction duct while wearing the device. The means for avoiding contact prevents the end of the condom from blocking the suction duct. The means for avoiding contact is removable (to allow air to flow into the hollow member. The means for reestablishing pressure would be used to reestablish pressure in the hollow member.

Claims 4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricus in view of Hendricus.

Hendricus discloses in figures 1-3 a device for insertion of a male member into a condom, substantially as claimed. However, Hendricus doesn't disclose the mobile walls of the hollow element being articulated in a telescopic relation therebetween. Hendricus teaches in figures 4-5 a device for insertion of a male member into a condom comprising mobile walls (the walls of 1) that are articulated in a telescopic relation (figs. 4-5). It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the hollow member disclosed by Hendricus could be fabricated with telescopic mobile walls as taught by Hendricus in order to be able to compress the hollow member.

Conclusion

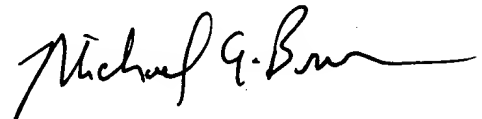
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. No additional prior art was cited in this first office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brown whose telephone number is 571-272-4972. The examiner can normally be reached on 5:30 am-4:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gergory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Brown
June 14, 2005

A handwritten signature in black ink, appearing to read "Michael A. Brown", with a long horizontal flourish extending to the right.

MICHAEL A. BROWN
PRIMARY EXAMINER